

CERTIFIED TRUE COPY

RECEIVED AND FILED  
WITH THE  
N.J. BOARD OF DENTISTRY  
ON 10-18-96 cp

PETER VERNIERO  
ATTORNEY GENERAL OF NEW JERSEY

By: Marilyn Bair  
Deputy Attorney General  
Division of Law - 5th Floor  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101  
Tel. (201) 648-3696

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

---

IN THE MATTER OF THE SUSPENSION :	
OR REVOCATION OF THE LICENSE OF:	Administrative Action
	:
ROBERT CARTER, D.D.S.	:
	:
	ORDER DENYING AMENDMENT
	TO CONSENT ORDER
TO PRACTICE DENTISTRY IN THE :	
STATE OF NEW JERSEY :	

---

This matter was opened to the New Jersey State Board of Dentistry (hereinafter the "Board") pursuant to the terms of the Consent Order filed on September 25, 1996. The terms of paragraph five (5) of the Consent Order allowed Robert Carter, D.D.S. (hereinafter the "Respondent") to appear before the Board for the sole purpose of addressing the Board in mitigation of the disciplinary sanctions set forth in said Consent Order. Further, Respondent agreed to be bound by the terms of said Consent Order in the event that the Board did not modify any of the terms. Said Consent Order filed on September 25, 1996 and signed by Respondent, his attorney and the Board President is hereby fully incorporated into the instant Order Denying Amendment To Consent Order.

For the September 25, 1996 mitigation hearing before the Board, Dr. Carter was represented by Patricia Bowen Atkins, Esq.

who appeared on his behalf, and the Attorney General of New Jersey was represented by Deputy Attorney General Joyce Brown who appeared on behalf on the State. Deputy Attorney General Brown entered the following documents into evidence:

S1 The Complaint against Robert Carter, D.D.S. filed with the Board office on October 31, 1995, along with the Notice of Hearing and Notice to File Answer.

S2 The Consent Order signed by Robert Carter, D.D.S. and filed with the Board office on September 25, 1996.

S3 The Affidavit of Costs signed on September 24, 1996 by Agnes M. Clarke, Executive Director of the Board.

Dr. Carter presented the following six witnesses to speak on his behalf:

1. Dr. Mustapha Khan, M.D., who has practiced family medicine in Camden, New Jersey for thirty-eight years, described the poverty found in Camden and the insufficient number of practicing medical doctors and dentists. He testified that he would continue to make referrals to Dr. Carter, and Dr. Carter's absence from practice would be a hardship to the community.

2. Josephine Smith, a teacher in South Camden, testified that she has confidence in Dr. Carter who has been her family dentist for ten years, and she believes that his suspension would be a loss to his pediatric patients.

3. Anthony Cannon, M.D. (endocrinologist) has known Dr. Carter for five years through professional organizations, and he testified as to Dr. Carter's great efforts in these organizations and a scholarship program.

4. Father Wayne Patrick Lavin, a Roman Catholic priest who lives and works near Dr. Carter's office, described the extreme poverty and violence in Camden and the need to keep professionals in the community.

5. Karen Jordan, M.D. (psychiatrist) knows Dr. Carter through professional organizations, and she testified that she has full confidence in him as her family dentist.

6. Father Michael Doyle, a Roman Catholic priest who has lived and worked near Dr. Carter's office for twenty-eight years, testified about the horrible conditions in Camden and the scant resources. He testified that Dr. Carter's suspension would be taking one more important professional from the neighborhood.

Deputy Attorney General Joyce Brown cross examined some of the witnesses.

At the conclusion of the witness testimony, Dr. Carter testified on his own behalf, apologizing for his "infractions". He requested that instead of suspension he be allowed to do community service by working with AIDS patients for four months. Dr. Carter was questioned by Board members, and closing arguments were made by Deputy Attorney General Brown and Attorney Atkins.

The Board then moved into Executive Session to conduct its deliberations. The Board thoroughly considered the record before it, including the testimony presented at the mitigation hearing. Although the Board may appreciate the sentiments expressed by Respondent's witnesses in regard to his community's need for dental care, the Board members were not persuaded that such need outweighed its responsibility to protect the welfare of all New Jersey citizens. The Consent Order negotiated in this matter evidences the Board's concern with Respondent's practice of dentistry. That Order was entered in the face of allegations that Respondent failed to adequately evaluate the medical conditions of

some of his pediatric patients; he failed to calculate and record in the patient record the maximum recommended dosage of Noctec and Thorazine based upon the patient's body weight; he failed to obtain written informed consent for conscious sedation procedures; he failed to properly monitor patients in the post-operative phase of treatment; he failed to prepare and maintain accurate patient records; he failed to report to the Board office the removal of a patient to the hospital and failed to report the subsequent death; and discrepancies appeared between dosages of medicine recorded in patient records and dosages on the actual prescriptions. Therefore, the Board found that there was ample basis for the action against Respondent, including a requirement that he submit to a program of reeducation; and the public interest was best served by the terms of the Consent Order filed with the Board office on September 25, 1996. For the reasons stated above, the Board declines to change any of the terms of said Consent Order.

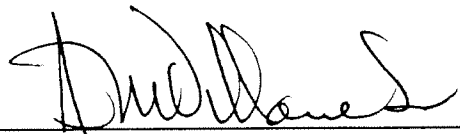
IT IS, THEREFORE, ON THIS 16<sup>th</sup> DAY OF OCTOBER 1996

ORDERED THAT:

1. Respondent's request to modify the terms of the Consent Order filed in the Board office on September 25, 1996 is denied.
2. The terms of said Consent Order, as incorporated in the instant Order, are in full effect.
3. Respondent shall pay the costs of the investigation in the amount of \$23,000.00 as evidenced by the Affidavit of Agnes Clark,

Executive Director of the Board.<sup>1</sup> This sum shall be paid out over a period of five years (sixty months) with monthly payments of \$383.33 beginning on November 15, 1996, and every month thereafter on or before the 15th day of the month. All payments shall be by certified check or money order made payable to the State of New Jersey and sent to Agnes Clarke, Executive Director , Board of Dentistry, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07102.

STATE BOARD OF DENTISTRY

By   
Anthony Villane, D.D.S.  
President

---

<sup>1</sup> Although the Affidavit of Agnes Clarke shows the total costs to be \$23,211.94, the sum owed has been rounded down to \$23,000.00.